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PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

P00,0365

First named inventor: Stefan Pfab

Group Art Unit: 2824

Application Number: 09/486,908

Examiner:

Filed: March 3, 2000

FAX RECEIVED

Title: "DATA STORAGE DEVICE"

SEP 19 2002

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

PETITIONS OFFICE

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☐ small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in _____ Action
the form of a Request for Retransmission of Office / (identify the type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

09/23/2002 AKELLEY 00000007 09486908

01 FC:140

110.00-OP

Adjustment date: 06/05/2003 EEKUBAY1

09/23/2002 AKELLEY 00000007 09486908

01 FC:140 -110.00-OP

Refund Ref: 0030011579 06/05/2003

\$110.00

Credit Card Refund Total: XXXXXXXXXX1004
All Exp.: XXXXXXXXXX1004

PTO/SB/61 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed. Applicants have attached the Declaration of Marilyn Weidenfeller indicating non-receipt of the Office Action.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 19, 2002

Date

Mark Bergner

Signature

Telephone

Number: (312) 258-5779

Mark Bergner (Reg. No. 45,877)

Typed or printed name

6600 Sears Tower

Address

Chicago, IL 60606

Enclosures: ☒ Fee Payment - See attached Form PTO-2038

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

September 19, 2002

Date

Mark Bergner

Signature

Mark Bergner (Reg. No. 45,877)

Typed or printed name of person signing certificate

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Sept. 19-2002
Date

Marilynn Weidenfeller
Signature

Marilynn Weidenfeller
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

(Please attach additional sheets if additional space is necessary)

REQUEST FOR RETRANSMISSION OF AN OFFICE ACTION

APPLICANT(S): Stephan Pfab
SERIAL NO.: 09/486,908
FILED: March 3, 2000

DOCKET NO: P00,0365
ART UNIT: 2824
EXAMINER:
CONF. NO.

TITLE: Data Storage Device

Assistant Commissioner for Patents,
Washington D.C. 20231

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SEP 19 2002

PETITIONS OFFICE

Dear Sir:


In connection with the above-identified application for United States Letters Patent, Applicant's representatives made a status inquiry to the United States Patent and Trademark Office on September 18, 2002 and discovered that the application had gone abandoned for failure to reply to an Office Action. This Office Action was never received. Applicants respectfully request that a copy of the Office Action be resent to:

Schiff Hardin & Waite
Patent Department
7100 Sears Tower
Chicago, IL 60606

and Telefaxed to:

(312)258-5600

Respectfully submitted by,

 (Reg. No. 45,877)
Mark Bergner
SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
6600 Sears Tower
Chicago, Illinois 60606-6473
(312) 258-5779
Attorney for Applicant(s)

CUSTOMER NUMBER 26574

REQUEST FOR RETRANSMISSION OF
OFFICE ACTION

SCHIFF HARDIN & WAITE

PATENT DEPARTMENT
6600 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606 USA
TELEPHONE: 312-258-5500
PATENT DEPARTMENT TELEFAX: 312-258-5921

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PETITIONS OFFICE

TELEFAX COVER SHEET

TO: United States Patent Office - (703) 308-6916
FROM: Mark Bergner
DATE: September 19, 2002
SUBJECT: Stefan Pfab, U.S. Serial No. 09/486,908, Filed March 3, 2000,
Our Docket P00,0365.

CONFIDENTIALITY NOTICE

THIS FAX TRANSMISSION CONSISTS OF CONFIDENTIAL AND/OR ATTORNEY CLIENT PRIVILEGED AND/OR ATTORNEY WORK PRODUCT INFORMATION, AND IS INTENDED FOR THE ADDRESSEE ONLY. IF YOU RECEIVE THIS FAX IN ERROR, PLEASE CONTACT SCHIFF HARDIN & WAITE BY COLLECT TELEPHONE CALL TO ARRANGE FOR THE RETURN OF THIS MATERIAL. ANY USE OF THIS MATERIAL BY ANYONE OTHER THAN THE ADDRESSEE IS STRICTLY PROHIBITED.

MESSAGE:

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 11

DECLARATION OF MARILYNN WEIDENFELLER
IN SUPPORT OF
MAIL NOT RECEIVED FROM UNITED STATES PATENT AND TRADEMARK
OFFICE

APPLICANT(S): Stephan Pfab
SERIAL NO.: 09/486,908
FILED: March 3, 2000

DOCKET NO: P00,0365
ART UNIT: 2824
EXAMINER:
CONF. NO.

FAX RECEIVED

SEP 19 2002

TITLE: Data Storage Device

PETITIONS OFFICE

To Whom It May Concern:

In connection with the above-identified application for United States Letters Patent, the undersigned Declarant states as follows:

1. My name is Marilynn Weidenfeller and my address is 455 W. Front St., Wheaton, IL 60187.
2. I have worked in the patent docketing department at Schiff Hardin & Waite, 6600 Sears Tower, 233 S. Wacker Dr., Chicago, IL 60606 since August of 2000.
3. Prior to my employment at Schiff Hardin & Waite, I worked in the patent docketing department at Hill & Simpson, 8500 Sears Tower, 233 S. Wacker Dr., Chicago, IL 60606 since August of 1973.
4. Our docketing records are maintained in a centralized networked docketing database.
5. In the normal course of business, all incoming mail received from the Patent and Trademark Office is directed to a single "in" box located in the patent docketing department. A record of each received Patent and Trademark Office Action is promptly recorded by me or my assistant in the docketing database.
6. The appendix contains a true and accurate description of the docketing database record for U.S. Patent Application Serial Number 09/486,908 as of September 19, 2002.

7. According to this record:
8. the last correspondence received from the United States Patent and Trademark Office on this application was the Notice of Acceptance mailed on May 23, 2000; a postcard indicating that a Change of Address document was received by the United States Patent and Trademark Office is stamped with a date of January 8, 2001.
9. The last correspondence sent to the United States Patent and Trademark Office on this application was the Change of Address mailed on January 5, 2001.
10. No further correspondence has been received by me or my assistant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Declarant Marilynn Weidenfeller

Declarant's signature Marilynn Weidenfeller Date Sept. 19-2002

Residence 455 W. Front St.
Wheaton, IL 60187

APPENDIX

SCHIFF HARDIN & WAITE
PATENT DOCKETING RECORD FOR U.S. PATENT APPLICATION SERIAL
NUMBER 09/486,908

Invention Data

Thursday, September 19, 2002

Case Number: P00,0365**Client:** 27630 Jannig & Repkow**Client Reference #:** GR98P2021**Disclosure Status:** Filed**Owner:** 51780 INFINEON TECHNOLOGIES AG**Reel:** 10805 **Frame:** 0488 ID: 101368385A**Attorney(s):** 491 899 1264**Title:** DATA STORAGE DEVICE**Priority Date:** 03-Jul-1998**Country:** Germany**Inventors:**

PFAB, STEFAN

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SEP 19 2002

PETITIONS OFFICE

Country Applications

Ctry	Sub Case	Case Type	Status	Application Number	Filing Date	Patent Number	Issue Date
US		PCT	Pending	09/ 486,908	03-Mar-2000		

Remarks: SCHIFF BILLING NO. 26965-0392 WAS CHANGED ON APRIL 5, 2001 TO SCHIFF-BILLING NO. 27630-0001

User ID: lynnw**Date Created:** 16-Feb-2000**Last Update:** 15-Mar-2002

Country Application

19-Sep-02

Country: US**SubCase:****Case Number:** P00,0365

United States of America

Client Reference #: GR98P2021PUS**Case Type:** PCT**Application Status:** Pending**Application Number:** 09/ 486,908**Filing Date:** 03-Mar-2000**Patent Number:****Issue Date:****Publication Number:****Publication Date:**

FAX RECEIVED

Priority Number:**Priority Date:** 03-Jul-1998

SEP 19 2002

Tax Schedule: LE**Expiration Date:****Tax Start Date:**

PETITIONS OFFICE

Agent:**Agent Reference #:****List Of User Actions**

Action(s) Due	Due Date		Action Taken
PCT 20 Month Priority Filing	03-Mar-2000	Due Date	03-Mar-2000
POSTCARD	24-Mar-2000	Due Date	31-Mar-2000
Status for OFR	31-May-2000	Due Date	31-May-2000
SP-Missing Requirements (PCT)	02-Jun-2000	Due Date	11-May-2000
Information Disclosure Stmtnt	03-Jun-2000	Due Date	03-Mar-2000
1ST Extension	02-Jul-2000	Reminder	11-May-2000
2nd Extension	02-Aug-2000	Reminder	11-May-2000
3rd Extension	02-Sep-2000	Reminder	11-May-2000
Last Extension	02-Nov-2000	Final	11-May-2000
PCT 30 Month Priority Filing	03-Jan-2001	Due Date	03-Mar-2000
Application Status Check	03-Sep-2001	Due Date	

Remarks: PRE. AMENDMENT MAILED TO THE PTO MARCH 3, 2000

NOTICE OF ACCEPTANCE RECEIVED 05/23/00

CHANGE OF ADDRESS MAILED TO PTO JAN. 5, 2001

User ID: barbc**Date Created:** 16-Feb-2000**Last Update:** 31-Jan-2001